

DEC 04 2019



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7019 0700 0001 7652 9503

Christine Lombardo

(b) (6)

Subject: **LEAD WARNING LETTER - RENOVATION, REPAIR AND
PAINTING
LEAD WARNING LETTER- DISCLOSURE**

Dear Ms. Lombardo:

The U.S. Environmental Protection Agency (EPA) received confidential information stating that you had work performed at 1545 Sunrise Drive in Vista, CA 92084 that may have violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) **Renovation, Repair, and Painting (RRP) Rule**, codified at 40 C.F.R. §745, Subpart E. In addition, the EPA has been notified of potential violations of the Residential **Lead-Based Paint Disclosure Rule**, codified at 40 C.F.R. §745, Subpart F at the above location. EPA is issuing this Lead Warning Letter to ensure you understand that federal law requires you to comply with **the RRP and Disclosure Rule and the potential fines you may face.**

WHY IS LEAD DANGEROUS

Lead is a toxic metal and it was used in paint before 1978. Lead interferes with the development and functioning of almost all body organs, particularly the kidneys and central nervous system. Lead is particularly dangerous to children because their growing bodies absorb more lead than adults do and their brains and nervous systems are more sensitive to the damaging effects of lead. The rules mentioned above support EPA's work in protecting families from lead in homes built before 1978.

RRP REQUIREMENTS

The RRP Rule contains requirements for firms and individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 §2689, and may subject you to civil penalties of up to \$38,114 per violation per day.

Based on our investigation, EPA is concerned that you are out of compliance with lead-safe work practices. Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" and at www.epa.gov/lead.

You are required to comply with the RRP Rule if you continue to work on pre-1978

housing or child-occupied facilities. The building on 1545 Sunrise Drive in Vista was constructed in 1956.

Issuance of this warning letter does not preclude EPA from pursuing penalties authorized by law in the future. Due to the compliance problem(s) identified during our initial investigation, any tips or complaints that EPA receives in the future about your firm will likely result in a full investigation. Any violations of the RRP Rule may result in the issuance of a civil administrative complaint and the assessment of monetary penalties.

DISCLOSURE RULE

The United States Environmental Protection Agency (EPA) is also following up on a Lead Tip and Complaint for potential violations of the **Residential Lead-Based Paint Disclosure Rule**, codified at 40 C.F.R. § 745, Subpart F at 1545 Sunrise Drive in Vista, CA 92028.

EPA is issuing this Warning Letter to ensure you understand that federal law requires you to comply with the Disclosure Rule.

During our initial assessment, EPA identified the following potential violations:

- 40 CFR Subpart F Section 745.107, Disclosure requirements for sellers and lessors
- Section 745.113, Certification and acknowledgement of disclosure

Thus, EPA advises that you are likely out of compliance with the Disclosure Rule. Failure to comply with the Disclosure Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, as well as 42 U.S.C. 4852d(b)(5) and **may subject your firm to civil penalties of up to \$17,047 per violation per day.** A summary of the Disclosure Rule requirements can be found at <https://www.epa.gov/lead/real-estate-disclosure>.

For all the reasons previously cited, all residential sales or leasing activities that involve homes built before 1978 must be performed in strict accordance with the Disclosure Rule. If you are a qualified small business, you may find the U.S. EPA Small Business Resources Information Sheet at <http://www2.epa.gov/enforcement> useful. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached is a recent press release pertaining to lead enforcement.

If you have any questions, feel free to contact me at (415) 972-3982 or salazar.matt@epa.gov

Sincerely,



Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance

Enclosure: Press Release

DEC 04 2019



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7019 0700 0001 7652 9695
Return Receipt

Jose Guillermo Jacobo
J. J. Painting, Inc.
3517 Badillo Road
San Marcos, CA 92069

Subject: Lead Renovation, Repair, Painting Rule Warning Letter

Dear Mr. Jacobo:

The U.S. Environmental Protection Agency (EPA) received a complaint stating that you performed renovation work at 1545 Sunrise Drive in Vista, CA 92084 that potentially violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule, codified at 40 C.F.R. § 745, Subpart E. The RRP Rule contains requirements that firms and/or individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities must follow. The building on Sunset Drive in Vista was built in 1956. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, and may subject you to civil penalties of up to \$38,000 per violation.

Based on our preliminary investigation, EPA is concerned that these violations may be occurring:

- Your work crew is out of compliance with lead-safe work practices.
- Workers conducting lead-based paint renovation, repair and painting activities are not individually certified renovators.
- Your firm is currently not EPA certified to conduct RRP work.
- Unskilled workers are not trained by certified individual renovator.
- No notice was given to tenants before renovating.

Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" which you can find online at <https://www.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf>. The following is a summary list of the RRP Rule requirements:

- You must be certified by the EPA to conduct RRP work. Go to <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors#firm> for firm certification. Certification costs \$300.00 and is valid for 5 years.

- You must have individually certified renovator(s) to oversee the work.
- You must use lead-safe work practices, for example:
 - post warning signs at the entrance to the work area;
 - use plastic containment barriers to prevent the spread of paint chips and dust;
 - handle waste in a lead-safe manner;
 - avoid prohibited practices such as open-flame burning, torching, or operating a heat gun at over 1100°F;
 - ensure that the work site is properly cleaned and that a post-renovation cleaning verification or dust clearance testing is conducted.
- Workers must be trained by a certified renovator.
- The pamphlet entitled "*Renovate Right*" must be given to client's/property owners/occupants before the renovation begins.
- Required records must be available and retained for 3 years.

You are required to comply with the RRP Rule if you continue to work on pre-1978 housing or child-occupied facilities. Issuance of this compliance assistance letter does not preclude EPA from pursuing penalties authorized by law in the future.

At <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf> we have an information sheet entitled *U. S. EPA Small Business Resources*, which you may find helpful if you are a qualified small business. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached please find a copy of a recent press release pertaining to lead-based paint enforcements. <http://www.epa.gov/lead>

If you have any questions, feel free to contact me at (415) 972-3982 or email at salazar.matt@epa.gov.

Sincerely,



Matt Salazar, P.E.
Manager, Toxics Section
Enforcement and Compliance Assurance Division

Enclosure:
Press Release